

**SCOTTSDALE AIRPORT ADVISORY COMMISSION
15000 N. AIRPORT DRIVE, SCOTTSDALE, AZ 85260**

**October 9, 2002
REGULAR MEETING**

MINUTES

PRESENT: Bill Mack, Chairman
Guy Stepanski, Vice Chairman
Donald Maxwell
Leonard Tinnan
David Vaughan
Philip Vickers

ABSENT: John Knudsen

STAFF: Scott Gray, Aviation Director
Gary Mascaro, Assistant Aviation Director
Kevin Shirer, Planning & Environmental Coordinator
John Little, General Manager, Transportation
Paul Norman, Assistant City Attorney

OTHER(S): Councilman Bob Littlefield
Ironwood Village Residents: Nick Luongo; Robert & Kathryn Ness; Crhis & Lorraine Kulpinski; Mitchell Lawrie; Kris Lumsden; Harry Demirgian; Bob & Gigi Popow; Mary Beth Rawn; Richard & Sharon Myers; Delyce Wensel; Frank & Barbara DeAgostine; Jim & Kathleen Matney; Bob & Ann Schilstra; Keith Grayson

CALL TO ORDER

Chairman Mack called the meeting to order at 6:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

PUBLIC COMMENT

ITEM 1. Ironwood Village Air Traffic Issues.

Chairman Mack turned the meeting over to Mr. Nick Luongo to moderate the meeting.

Mr. Luongo introduced himself stating that he has been a resident of Ironwood Village for three years. He introduced the panelists to include Councilman Bob Littlefield who is the first public official to state that Ironwood Village had a problem caused by activity at Scottsdale Airport and that he has spent many hours trying to solve their problem, including using his own aircraft to show them what altitudes of 500 feet and 1000 feet look like from the ground. Mr. Luongo added that Councilman Littlefield has met with the FAA to negotiate altitude and route changes. As Councilman Littlefield is also a pilot and instructor he anticipates him being able to answer their aviation questions.

Mr. Loungo stated the second panelist is Mr. Roy Horridge, Chairman of Medical Express; however, Mr. Horridge had not yet arrived at this point in the meeting. He stated that Mr. Horridge, a pilot of many years experience, has volunteered his time and aircraft to demonstrate what landing a plane at 1500 feet above ground level, and 2000 feet above ground level was like. From these tests they have precedent for asking the FAA to mandate altitudes of 1500 to 2000 feet above ground level. He added that Mr. Horridge

has voluntarily modified his air ambulance operation to lessen the impact of his flights over their neighborhood. He is also in the process of replacing his older Stage 2 aircraft.

Mr. Louono stated the third panelist is Mr. John Little, General Manager, Transportation. Mr. Loungo stated that Mr. Little asked him to join the City in working toward a solution for Ironwood Village. He added that Mr. Little has helped achieve the modest improvements that they have noticed in the last four months. Mr. Loungo added that Mr. Little's presentation that was made to the City Council on Monday was available this evening for discussion.

Mr. Loungo stated the fourth panelist is Mr. Scott Gray, Aviation Director, Scottsdale Airport. He advised that Mr. Gray recently met with the Naples Airport staff to study how they successfully fought the FAA in federal court to achieve a ban on Stage 2 aircraft.

Mr. Loungo said his perception is there has been a modest improvement over the last four months, specifically some jets taking off are making left turns at Pima Road and are climbing higher quicker and some jets landing are making turns over open space and descending from a higher altitude. He added the early "wake-ups" are not as frequent; however they need to do much better. Questions that need to be answered are: Why can't all planes fly the same routes to avoid Ironwood?; Why can't all planes take off and ascend quickly to between 1500 and 2000 feet above ground level?; Why can't all planes start their descent at between 2000 and 1500 feet above ground level?; When are we going to ban Stage 2 aircraft?

Mr. Loungo summarized by saying he believes the residents of Ironwood Village would like the planes higher and quieter on a more consistent basis. The means to achieve these goals are dependent on: 1) the City gaining local control of the airport so the Stage 2 aircraft can be banned; 2) the FAA must mandate to all pilots and operators that they fly between 1500-2000 feet above ground level whenever they are over Ironwood Village; 3) the attitudes of pilots and operators must be changed from one that says "what do they expect, they're at the end of the runway," to one that says, "we will be extra sensitive when they are at the end of the runway."

Mr. Loungo stated that at this point in the program he would like to offer each of the panelists the opportunity to make an open statement, which will be followed by any and all questions from Ironwood residents.

Councilman Littlefield stated his position is they do have a noise problem in and around the airport area and he has made a commitment at the June 4th meeting to personally try to make some inroads into the situation and make it better. He added since his position and where he stands on this issue is well known, he would much rather hear from the other panelists and allow time for the residents to speak and have their questions answered.

Mr. John Little, General Manager, Transportation, stated he appreciates the Commission changing their meeting venue for tonight and for the citizens giving their time to be present at the meeting. Mr. Little agreed with Councilman Littlefield that we should get right to the issues, concerns, and questions that the residents of Ironwood Village would like to speak on.

At this point in the meeting, residents who wished to address the panel or Commission were asked to come forward.

Mr. Keith Gregson, Ironwood resident, stated he has been involved with noise in the airline business for over 27 years. Mr. Gregson stated that noise is a very subjective issue. As such, he questions why the airport does not put noise monitors in place around the airport, as has been done in other airports, to pinpoint which aircraft were doing wrong things and establish a penalty for those aircraft. In addition, Mr. Gregson questioned why they don't encourage the older aircraft to convert to newer exhaust systems to make their aircraft quieter. Mr. Gregson stated they should institute a number of charges, for example anyone with an FAR 36, Stage 2 aircraft pay twice the landing fee compared to a Stage 3 aircraft. He believes this would encourage them to make the conversions or get rid of the aircraft.

Councilman Littlefield responded that Mr. Gregson touched upon two issues that he would like Mr. Scott Gray and Mr. Kevin Shirer to address as they are fairly technical in nature. Councilman Littlefield said the two issues were: 1) What is noise – what is the definition of noise that the federal government uses to decide what we can do; 2) What restrictions are we allowed to make on people's operations – there are some limitations as to what you can do.

Mr. Scott Gray responded that he agrees with Mr. Gregson's statement that noise is very subjective and a difficult thing to understand. He added that many airports across the country do have permanent noise monitoring systems in place, Sky Harbor being one of them. However, unless they installed the systems and instituted penalties prior to 1990 when the federal law was passed, the only way you can institute those penalties now is to complete a Part 161 Study. Mr. Gray explained that a Part 150 Study is a noise compatibility study and Scottsdale Airport has completed three to-date, and an update scheduled to begin in January 2003 and are waiting for an official letter from the FAA indicating funding will be available to conduct this study. He added it is approximately a \$300,000 study and it will include placement of portable noise monitors in various areas of the community to analyze data for specific periods of time and are then compared to a computer noise run that averages the noise over the entire year.

Mr. Gray added they encourage retrofits to all of their operators to meet Stage 3 standards, however they cannot require them to do so or to penalize them if they don't. He also advised when they have a new Stage 2 operators come in that are visiting, Mr. Shirer usually makes contact with them and indicates to them the noise sensitivity issues we have in our community, and requests that if they return to our facility they use a quieter aircraft.

Mr. Gray commented on the exhaust noise and modifications available for piston aircraft, however we cannot do that and the FAA would have to go through a certification process and any modifications to the aircraft, which is certainly something that we would not oppose.

Mr. Gray addressed the suggestion to double the landing fee for Stage 2 aircraft vs. Stage 3 aircraft. Mr. Gray stated that it would be considered discriminatory to do that without having the Part 161 Study to justify it.

Mr. Gray anticipates if they get the federal funding, the Part 150 study will take 15 – 18 months to complete, and if there are issues brought up in the Part 150 that would justify moving on to a Part 161 Study, the Part 161 Study would commence thereafter.

Mr. Gray added that Naples Airport Authority has been going through their process for about eight years. He stated they have spent approximately \$1.5 million to-date and it is still not complete. They received FAA approval for their Part 161 Study, however, they are pending a Part 16 complaint, which is a complaint filed under the federal code to determine if they are being discriminatory by instituting those Part 161 practices, which was a total Stage 2 ban at their facility. The FAA has indicated that that is probably going to violate their grant assurances, and therefore they would be receiving a letter stating that they are in violation of all their federal grants, and would lose all federal funding, and possibly have to pay back all federal monies they have received at their facility. Mr. Gray's guess is that they will take the matter to federal court and await ruling on that issue.

Mr. Mitchell Lawrie, Ironwood resident, addressed the panel stating he doesn't clearly understand if the Part 150 Study generates the issues that would lead to justification for the Part 161 Study, yet Mr. Gray stated they could proceed without having the Part 150 Study. He inquired if the issues are technical in aspect and certain thresholds have to be met, or can the issues identified be created outside of that initial study, and do they have to wait until the 161 is done before you justify making any changes or being able to enforce any restrictions. Since he heard it might take between 12-18 months for they are empowered to do anything concerns him. Mr. Lowry also stated that from Monday's City Council there doesn't seem to be a consistent opinion that there's an impact, or a change has occurred. Mr. Lowry would like to know what is going to take them to a point where they can do something.

Councilman Littlefield clarified that he agrees there are noise problems in the area near the airport. The problem is that whenever they have this discussion, especially the City Council update last Monday night, there is a mixing of issues – near the airport – and issues up in Carefree and Cave Creek. The Quiet Skies people are concerned about noise in far north Scottsdale, Cave Creek, and Carefree. Councilman Littlefield lives in that area (Lone Mountain and Scottsdale Road) and does not believe noise is a problem. He does believe noise is a problem in Ironwood Village, Horizon, and the other neighborhoods around here. However, the subjective quality of the noise, leads to another issue. The FAA has an objective definition of noise, and in attempt to make the process fair, it is also very technical and very complicated. From the FAA's point of view, a noise problem is a house that meets specific, objective, technical criteria. Above and beyond that, there are people in areas who don't need the FAA objective noise criteria to be annoyed by aircraft noise. In those situations you may not be in a position to impose restrictions, but there are other things that they can do.

Councilman Littlefield added the Part 150 may or may not lead to a Part 161 Study. However, a Part 161 Study does have to be preceded by a Part 150 Study. He added they are committed to doing the study and going ahead with it, but people have to understand that the federal government prevents them from making restrictions until the studies are complete, and even then they may not allow them to make any restrictions. He is aware these studies take time, but there are other things they can do that do not require FAA approval. It has to do with pilot education and working with the operators to modify their operations without imposing a penalty that the FAA does not allow them to do. He added that as Mr. Luongo pointed out, all those improvements have all come about from the efforts of the airport staff and he gives them credit for doing 99 percent of the work. They are doing everything possible that is within their control, and he is committing that they will still follow the process and far and as fast as the law will allow them.

Mr. Gray clarified the issue of doing the Part 150 prior to Part 161 Study and that it is primarily to determine if there are any additional issues that should be addressed. Mr. Gray provided some detail on the noise contours completed in the Part 150 Study done in 1995, and ultimately adopted by the City Council and the FAA in 1997. Mr. Gray stated the current noise contours would be updated prior to conducting the Part 161 Study. He added that the airport's operational levels have actually gone down since the last Part 150 Study. Mr. Gray then briefly spoke about the issue of noise contours and provided an explanation of the 65 DNL contour which is what the FAA, HUD, and EPA consider to be impacted by noise. Outside of that, they are not considered to have a noise impact. Under the definitions that the federal law allows us to define noise impacts, Ironwood Village is not within that area. Mr. Gray said he understands their issues, unfortunately, the FAA defines the impacts at 65 DNL.

Mr. Bob Popow inquires if Mr. Gray believes there is a noise problem at Ironwood Village. Mr. Gray said he believes there is a noise issue at Ironwood Village. However, the issue here is that under the federal law which he has to operate the airport under, the 65 DNL contour is what he is given to define as the noise impacts. He does believe the noise impacts can extend beyond that, but he cannot do anything beyond the 65 DNL according to federal law.

Mr. John Little stated the situation is analogous to the freeway situation, whereas ADOT has a limit where they decide whether or not there is technically a noise problem or not at 65 decibels. If you're not at 65 dec., technically, they will come out to your neighborhood and meet with you and tell you don't have a problem. However, as we all know, there is new noise there, and it has impacted a lot of people's lives, but is it technically, from the state's standpoint a problem -- no. From a City standpoint, is it something we're concerned about – absolutely. Therefore, we are trying to do other things from pilot education, to operating procedures because we acknowledge that the people in Ironwood Village do experience overflights and aircraft noise.

Ms. Delyce Wensel states she has lived at Ironwood Village for five years and there is a big difference from highway traffic noise and air traffic noise right over their homes. Until February of this year she was not bothered by noise. She feels there is too much focus on the FAA and pilots rights, but what about their rights as resident's and homeowners. Mr. Wetzelsaid he does not understand the technical issues, but he does understand noise abatement issues and wonders why they don't just have a curfew. She does not understand why the aircraft have to fly over their homes at 6:00 in the morning or 4:30 in the

morning, and she doesn't care what the reason is. The other issue she has is why, all of a sudden, have the planes started flying over Ironwood Village and not the other way over the McDowell Mountains. She questioned who complained, and who lives there that had the power to make that change. Is it the Mayor?

Mr. Gray said he wished to address a couple of questions. The first regarding the Orange County curfew issue. Orange County had those restrictions in place prior to 1990, which is why they exist today. San Jose and a number of other airports have that in place as well because they instituted it prior to the 1990 law change. He also addressed the issue of when the change occurred and it not being noticed five years ago. Mr. Gray stated they look at things from a technical standpoint and detailed a graphic showing radar track information overlaid with the noise contours. He detailed the departure/arrival tracks and the contour areas which was provided in 1996. Mr. Gray said the departures haven't changed.

Mr. Luongo stated that in his living at Ironwood Village, until the Northwest 2000 plan in March, when all hell broke loose he never complained about aircraft noise. He said the charts do not show what they experience every day.

Mr. Bob Popow who has been an Ironwood resident for six years. He said the noise impacts have been increasing significantly in the past year. The problem is there is no one responsible. They care about the noise and the noise is caused by low flying aircraft directly over his home, even though they are not even on the flight track maps that were provided at the meeting. He said they need to fix the medivac problem and he doesn't care what kind business they are in, they do it for free, fly at 2:00 a.m. in the morning, he doesn't care, but they are not doing it for free they are doing it for profit and they are doing it on his time and he is sick of it. He said fix the problem or shut the airport down. The City of Scottsdale over the last 15 years has taken that airport and boxed you in. They've taken development over safety and over the concerns of the residents. Let's just shut it down. If you can't fix the problem, shut it down and move it someplace else, because development is more important to Scottsdale than the safety and the quality of life of its residents.

Councilman Littlefield said they will get away from the technical stuff. He stated Mr. Gray's job runs the airport and he works for the City, but he also has rules and regulations that govern him. Did the City screw this up in the past – sure. Should they have even built Ironwood Village – probably not. They probably should have left Ironwood Village as part of the preserve. But they didn't and people are living there. Councilman Littlefield said he is trying to be a realist. On June 4th he had two choices when the question came up if they should join the Quiet Skies lawsuit. The simplest thing to do would have been to vote to give them the \$25,000 and then say we did our part. The reason he didn't do that is because he doesn't think their lawsuit is going to solve the Ironwood problem. He advised he is committed to working toward solutions to their problems, but he is not going to tell them they are going to do things they simply cannot do. We cannot tell the Medivac operator he cannot fly, we can't shut the airport down. We can ask the operator to upgrade his engine, but they can't tell them not to operate.

A multiple discussion ensued among many unidentified speakers. Mr. Little requested those who had questions to speak so they could answer their questions. For example there is a question regarding leases on the airport and who gets to operate out of the Scottsdale Airport and do we have a choice in telling people they can or cannot operate out of there.

Mr. Bob Popow wanted to know if the City has any control over a lease. Mr. Gray responded that if an operator leases directly from the City, do they have the right to discriminate and say, no, we are not going to lease you facilities – and the answer is no. They only have control over certain circumstances, for example an operator that wants to operate a 747 and we do not have the facilities to accommodate that aircraft they can deny that. However, they cannot distinguish from the Stage 2 and Stage 3 aircraft.

Ms. Delyce Wensel stated at Orange County Airport if you wanted to house a plane there you have to follow their requirements and they will not allow aircraft with noisy jet engines in, and why can't we do that here. Mr. Gray once again stated that they instituted those restrictions before the 1990 law was enacted

by Congress. Subsequent to that, the law states that if an airport wants to discriminate, they have to do a Part 161 Study and justify that it was warranted to do so.

An unidentified speaker stated that Mr. Roy Horridge was told that his operation has to be more sensitive to their issues and he has voluntarily modified his operations based on their discussions to try to get to where they have to go. However, in the case of an absolute emergency it is not always possible. He also said they will be replacing two of their three planes, all of which are Stage 2. He feels the airport staff was key to getting these concessions. He added the most frustration seems to be with the federal government and if they want to hire a lot of lawyers and spend a lot of money as the Quiet Skies folks are doing that's one alternative, but he thinks what they want is for the planes to be higher, and quieter, and that some of this has already been accomplished. He stated that in Monday's meeting it was mentioned that if radar was acquired they could measure the altitude and then at least be able to tell the FAA that we want them coming in at an altitude that doesn't bother us – 1500-2000 feet. He said after that all the pilot documentation would have to be changed and it would take six months. He inquired if anybody could update him on that.

Mr. John Little responded that before they update him on that he wanted to mention the reoccurring theme that something happened in 1990 that changed the rules and it caused a lot of frustration because what they believe is that we are able to set the rules and because we're not putting restrictions on our airport, and they believe we can, the only conclusion they draw is that we won't because we don't care or don't want to or because we value economic development more than safety, etc. He asked Mr. Gray what changed in 1990 – what did Congress do to change the rules.

Mr. Gray again responded that prior to 1990 airports were allowed to institute many of the restrictions that were mentioned here tonight. However, Congress felt too many restrictions were being put on interstate commerce. Therefore, the law was specifically put in place to restrict airport operators from coming up with whatever restrictions they wanted to without justification. The law now states, you want to make restrictions, that's fine – however, now you have to justify them and here's the rulebook, the cost benefit analysis, and a number of economic impact issues and you have to analyze it all. If you do that, supposedly you will get an approved Part 161 Study as Naples Airport did. Again, the law was enacted to ensure that too many restrictions against interstate would not take place.

Mr. Little said this is a fact, not an excuse not to enact any restrictions.

Mr. Gray then detailed a graphic on radar data from Phoenix Sky Harbor Airport. Mr. Gray added there is new digital technology, but he would not expect that to take place for at least a year, in the meantime they use the Williams Gateway radar.

An unidentified speaker questioned the wording in the noise abatement procedures that reads, "Compliance with noise abatement procedures is at the pilot's discretion." So, you could have 88,000 radars out there, and we could be complaining to you like crazy, but you know something, if you can't force the pilot to do what you tell them, there's nothing you can do about it! The analogy about the highways, a cop out there can force you to start obeying the law. You're telling us we have no ability to be able to enforce a pilot to even comply with voluntary noise abatement issues. Another thing happened in 1990, the City of Scottsdale went crazy. They got into this development stage, and when you look at Scottsdale Airpark from the air it is scary – it's an accident waiting to happen – if not now, 15 years from now, it's just inevitable. We have allowed developers to take precedence. We've got to face reality. We can't sit back and keep doing all these studies and doing all these things that we think some paper tiger down the road that's going to solve the problem – it's not. Development is not stopping. You can see DC Ranch is putting in their new development, Bell Road up to McDowell Mountain Ranch – all commercial – direct approach to the airport. Money is the number one priority in Scottsdale. The airpark is going to have to take a secondary approach and the reality is we've outgrown it. It doesn't matter what you say, you can make it look beautiful, but look at it from the air. So my point is, what do we have to do with citizens to start the project of closing down the airport. My point is, we know that's the ultimate. What do we have to do to start the process so we can eventually, after draining tons of money out of our pockets, get to where we want to go.

Chairman Mack stated – can you stop the airplanes from coming in and out of Scottsdale Airport. There are two entities to Scottsdale Airport, one is run by the City and that's the one on the front side of the fence, that's the Scottsdale Airport and that's Scott's bailiwick; he also looks over the Airpark, which is a leased/owned area by private citizens that build hangars and build storage areas for a living. They rent the space to commercial airplanes, to charter airlines, flight schools, etc. and they are in that airpark area, along with the businesses that are in that area. That is private enterprise at it's best. One of the businesses in there makes batteries for the space shuttle. In the past couple of days I've visited seven different developments in the area and talked to them about buying a condo, etc. and inquired of them if they were in close proximity to the Scottsdale Airpark? And not one sales person ever said no, it's not a problem, we very seldom hear airplanes at all and the airport is no part of anything we have. And I know all seven of them are around here. So here are sales people telling these new homeowners that Scottsdale Airpark does not impact the new home development. And when you buy your home that's one of the things you sign when you buy your home that says you live next to the airport.

Mr. Chris Kulpinski stated that everybody has an opinion. However, in listening to everybody and looking at the handouts two things struck him. Whatever you do, the pilot's got discretion. And if you look at the flight tracks and follow it, they wouldn't be flying over Ironwood, although he understands there's got to be deviance. But there should be no planes flying over Ironwood whatsoever. If he's using his own discretion, he may choose to go over it. So the only way you can stop the noise problem you have to do what it is you have to do.

Mr. Gray addressed the pilot discretion issue. He said if you look at the pilot guide there are several that are not at the pilot's discretion. We had certain restrictions in place prior to 1990 and those we can enforce and normally do not have any problems with due to our pilot education program. The ones that are at the pilot's discretion, are all the ones that were instituted following 1990. We often hear the suggestion of curfews, however, to do that we would have to do the Part 161 Study, which he would be happy to do and to institute any additional restrictions for noise abatement techniques, as long as all the federal requirements are met. Mr. Gray added that most of our based customers follow the noise abatement procedures.

Mr. Gray referred to the consolidated flight path map and provided a detailed explanation of the routes and approaches and how and why variances occur. Mr. Shirer added the current flight track map was done in 1991.

Councilman Littlefield added that some flight paths are mandatory and some are discretionary. Most small aircraft are under VFR (visual flight rules) and they have the most discretion. In discussion of changing the approaches into Scottsdale for IFR aircraft (instrument flight rules) which is what most of the business jets fly under. If we have radar data to the ground, we will be able to institute a procedure that for those airplanes that are flying IFR, they have less discretion. That's why we ask the FAA to do it, and that would make those paths more mandatory, and therefore we could institute things like stay 500 ft higher above Ironwood Village. It doesn't require a Part 150 or Part 161 Study to make that happen, it simply means we have to have radar to the ground. That's important because most of the complaints are generated by aircraft that are flying IFR. So, if we could institute that procedure, we could make some improvement in the noise level over Ironwood Village. Since some flight paths are optional and some are mandatory; we are concentrating on making more of them mandatory.

Unidentified male added that on a regular occurrence there is a very, very loud jet approaching Scottsdale. How can we identify that aircraft and get word to him. Mr. Gray responded that they typically don't observe the aircraft, the citizens observe them for us. Therefore, the more information they provide, the easier it is for us to pinpoint which particular operator it may be. The easiest way is to provide the N number, which is not always easy. However, if you register a noise complaint and indicate the time that particular airplane flew by, we can probably determine what aircraft it was. Then depending upon what the situation is, if it isn't violating any particular rules, even though it may be noisy or bothersome, there is nothing the City can do. Once the aircraft is on the ground we have jurisdiction, but as soon as they

leaves the ground, it falls under FAA jurisdiction. If we believe the pilot violated some federal regulation, we turn it over the FAA, the Flight Standards District Office (FSDO).

Mr. Gray added that low flying airplane complaints are primarily filed with the FAA not the City as we do not have any jurisdiction over that. In addition, we do not have any technical tools to tell us exactly how high the aircraft was and whether or not it was actually violating any particular altitude restrictions. What we do is to contact the pilots on a regular basis and ask them if they can operate quieter aircraft, if they could operate higher, and we ask if they could not put their gear and flaps down as soon, and avoid those things that create noise.

An unidentified speaker inquired as to who he would call. Another unidentified male interjected that on Sunday at 3:20 p.m. he had a plane that must have been 300 feet above him and he thought it was going to crash. He called the hotline and requested a call back and within a half hour he received a call back from airport operations personnel who said he would check on it. The person then said he was going to send an email to everyone reemphasizing what our complaint procedures are to advise them they do have the opportunity to nail these people as soon as they violate our airspace.

Mr. Gray talked briefly about the noise complaint system. Two methods are available; either by phone, which is 312-flys, or you can log them in via the airport website. If we have the information, someone is always on staff 24 hours a day and if you request a call back, you will receive a call back and follow up on your complaint.

At this point Mr. Luongo advised it was 8:28 p.m. and several residents were waiting to speak.

Mr. Jim Matney said he and his wife have lived in Ironwood Village for 15 years. He advised their UDC sales person at the time said they close the airport at night. However, he did not believe it and drove around the neighborhood several times a day to observe the various flight paths himself. On some occasions he was shaken out of bed from aircraft noise, but even as the North Scottsdale area was building up he did not think it was that bad, but since January of this year he has noted a profound change. Mr. Matney would like to know what communication is given, is it a communiqué from the Tower to the pilots advising them there are residents below and where to bank.

Mr. Gray said when the Tower is open it is staffed by FAA personnel, not City personnel and they do indicate noise abatement procedures to the pilots and give general instructions of that nature. The pilot guide we provide also provides this information. However, it is easy for us to deal with our own tenants and instruct them because they are here all the time and they do want to be quiet neighbors. Mr. Gray stated no pilot based at our airport wants to barnstorm resident's homes. They want to operate as quietly as possible, and they want to continue to have Scottsdale Airport as it is and continue to do whatever they are doing. Visitors are more difficult, but we do mailings to those folks and we provide information to the NBAA and the AZBAA to help us distribute this information. If we hear from a number of citizens that a pilot was particularly low or operated in an unusual manner compared to other activity, then we will go out and meet with the pilot and crew and have a one-on-one conversation with them, hand them the pilot (which they typically may not have), so when they take off they follow the noise abatement procedures.

Mr. Lawrie said this thing is a legal quagmire and certainly the federal government has learned how to use the legal system against us. So this is a fun question, but will go to heroic efforts to save an endangered cricket. We are right up against a preserve. Are there any legal angles that can be taken in regard to disturbing the quiet serenity of the reserves being bombarded by jets. Mr. Lawrie said it sounds like all paths lead to, other than a head-on with the FAA, which this body has chosen not to do. He has sensed a hesitancy to move forward with the Part 161, which does not have to be preceded with anything other than the Part 150 in which the federal government would help provide some of the funds to pay for it. So my question is, if we're holding off for funding to come from the government, when we could make the choice to fund it ourselves, and Scottsdale is deriving revenues from developments that are going to be impacted by the same things we're being impacted by in the next 3, 6, 12 months – can we take some of the revenues derived from these developments and subsidize a 161 and move forward with that immediately. Because at least in my mind if we put it off for two months, now it's 20 months, if we put it off

for six months, now we're talking about two years before we can use or derive any of the benefits from a 161. So what can you do to make that start to happen more quickly and what funding mechanisms might we use so we don't have to wait for the federal government to help us fight this. That just doesn't make sense.

Councilman Littlefield responded that the City Council will do whatever they can do to mitigate this problem that's legally possible. As an elected official, they do not like to get up in front of large groups of constituents and give them bad news; it's not in our nature to want to do that. He would like to say their concern as to whether or not they care about their problem, the fact the he is there and that the other folks are out there listening to you, indicates that we do care about it. The fact that we don't have the restrictions in place that you would like, can any of you doubt that if it was legally possible for us to do it that we wouldn't have voted these restrictions in? The answer is, of course we would have. But we don't have that power, and if we did we would. In addition, as a policy issue, John, Scott, and Kevin there job here is to implement the policy that we give them within the limits of the law. The policy this Council is interested in doing everything we can to mitigate noise impacts. There is a cost issue as Mr. Gray pointed out to spend \$1.5 million on a Part 161 Study and we don't have \$1.5 million laying around. If we can dredge it up, we'll do it. We are going to do everything that we are allowed to do that's within the limits of the law to solve this problem. We are going to do everything we can legally, everything we can in terms of voluntary action; everything we can in terms of pushing the FAA to make this as noise free an environment as possible. I don't like telling you that we can't do everything that you would like, but that's the truth. I will tell you that the Council cares about this issue and that we will do everything that's legally possible to make that happen.

Unidentified speaker inquired – the FAA is not represented here tonight? The Tower is operated by the FAA? Unintelligible further questions. Councilman Littlefield, radar is not available to the ground. We want it to make the voluntary rules mandatory. When we can see the aircraft to the ground we will be able to limit their discretion and to force them to fly at higher altitudes, that's why we are pushing for that because it will make for some improvement. Councilman Littlefield stated that he is sorry he cannot give them better news, but he is not going to tell them they are going to do something they can't. But as a matter of policy, they will direct Scott Gray or the City Attorney, or whoever else to do everything that we are legally allowed to do to solve this problem. And that's a policy question and I believe I speak for my cohorts in representing their positions too.

Mr. Harry Demirgian, Ironwood resident, said it is nice to hear that everyone here is anxious to solve the problem. He thought he heard something about radar certification. He doesn't know what that means, but he wants to know when the ground radar is going to be up and operational. Mr. Gray said the certification – the radar is actually working right now, it's turning, it's out at Williams Gateway and it does provide data. The problem is they haven't worked out all the technical bugs to make sure that it is accurately displaying the aircraft. The certification that they will go through will mean that they have determined that it is technically working correctly. This is supposed to take place this fall, hopefully within the next couple of months. That will then allow the data that currently resides in the Williams Gateway radar would be available to us.

Mr. Demirgian inquired if once that happens, does the FAA have standards such as altitude? Mr. Gray said generally speaking, no. What they want to do once they get that radar is create the charter visual approach of the pilot instructions. By doing those instructions we can try to force the aircraft to be higher, whatever standards we have to follow to create those, we are going to attempt to get the airplanes higher wherever we can.

Mr. Demirgian said it seems to him that we can determine the height of the airplane and thereby some semblance of noise it allows, it doesn't make any difference if we determine the height because the FAA won't pay any attention – it doesn't have any strict guidelines in that respect. Mr. Gray responded the only guideline the FAA has is aircraft, other than when they are on arrival or departure from an airport, should remain 1,000 feet above populated areas or what they call urban areas, and 500 feet above rural areas. Those are the guidelines under the federal aviation regulations.

Councilman Littlefield said he thinks the confusion comes in here when the FAA will and will not enforce an altitude restriction on somebody. For visual flight rules airplane there are very few altitude restrictions. If you look at the complaints lodged, they are mostly from business jets and they are on the instrument flight rules. Right now when they get within 3,000 feet of the ground, the controller has no way of knowing what their altitude is. If you put your radar to the ground, then we can impose what is called the charted visual approach, which simply means instead of just saying go land at Scottsdale, the controller will say to them, you are cleared for this approach. And in this approach it will say that at such and such a point you have to be at such an altitude, and such an approach cannot be implemented now because how would it be enforced since the controller can't tell what altitude they at. When they can, then this approach will be allowed. What that will do is it will not affect the visual flight rules people, it will have an impact on some, in fact most of the instrument flight rules people and therefore we will be in a position to mitigate some of the noise problems by making it mandatory for them to fly that higher altitude at those points. Not a total solution to your problem, but it will make some difference if we can do that.

Councilman Littlefield stated we are going to limit their discretion if we can get this charted visual approach. Most of these flight paths, pilots do have an option. We are trying to concentrate on people who create the most annoyance and we are trying to do something that will make it more mandatory, limit their discretion so as to mitigate the number of people who are flying over your house.

Mr. Demirgian inquired if these visual planes, what altitudes are they flying at when we get complaints? Mr. Gray said they do get complaints on typically the piston engine airplanes and they can be anywhere from on arrival descending over the Ironwood neighborhood to 3,000 feet. So we get complaints on airplanes at various altitudes. There's no one particular altitude that we see an increase in complaints.

Mr. Demirgian then stated if altitude is not the issue – noise is the issue. Mr. Gray said that depends since we get complaints on low flying airplanes also so it could be one and the same, it could be different. Councilman Littlefield reiterated that the IFR are the ones that make more noise and they are going to be the larger planes. Having said that the newer planes don't make as much noise.

Mr. Demirgian then asked if the instrument planes are the one that make the noise. Councilman Littlefield responded in general, yes. Mr. Demirgian asked when they get complaints at altitude are they flying in at. Mr. Gray responded at all altitudes. Councilman Littlefield responded in general, higher is less noisy but that's not always true. A Stage 2 will give you more noise at a higher level. Mr. Demirgian said so the whole business with radar is only partly successful. Councilman Littlefield responded, yes, it is not a total solution to your problem.

Mr. Little said this doesn't have to be a one-shot meeting with the community, they want to engage in dialogue with the community and they can have additional meetings and can call the airport staff or the Council to ask questions. However, when they do get together with the citizens they learn something, and also receive comments that those in the audience also learn something.

An unidentified speaker asked if they can all leave here with the idea that within several months you'll have certification, and within two to three months after that there will be some regulations established based on what you're reading on the radar so we can look for some abatement and some relief to what's happening.

Mr. Luongo said they want to leave the meeting with concrete ideas of what is going to be happening and to tag along with the preceding suggestion, Councilman Littlefield, John Little, Bob Ness and he were up in the airplane with Roy Horridge and they saw and felt what it was like to come down at 1500 feet above ground level, and 2000 feet above ground level. Now, on Monday night, Gus Nezer of the FAA said there is not much more to be done for Ironwood Village. He said at the most he can give them 500 more feet and maybe enters mandated rules. He thought this sort of put Councilman Littlefield and John Little on the spot because they were on the airplane with him and when they were done, they all agreed that 2000 above ground level was doable. So when we get the radar in place, and we say to the FAA we want these planes at 2000 feet above ground level when they come over Ironwood Village, is that a realistic goal?

Mr. John Little responded from a technical standpoint what the right answer to that is. But under the conditions they were flying, the weight, passengers, weather, temperature, and type of aircraft they were in that 2000 feet was safe, but that's about as high as he wanted to go on an approach to land over Ironwood Village. Because when they did hit the runway it literally felt like they were in the top of a roller coaster. And when they got down to the runway, they didn't do anything unsafe, but it was a hard landing, and Nick asked the pilot if it was an unsafe landing and the pilot responded it was a safe landing, but is hard on their patients if they do that. So under those conditions and under those circumstances, 2000 feet according to the pilot, was pretty much a maximum safe altitude.

An unidentified male states a little bit of wind shear off the end of the runway on a hot summer day would dump you right into the runway at that altitude, and at that speed.

Councilman Littlefield said he will simply tell them they will do exactly what they have been doing which is to press the FAA in every way to give us as much noise abatement, whether that be altitude, or changes in flight tracks as they will allow. He will never guarantee that they will give us what we want, but he will guarantee that the City will press them for every advantage that they can get. Now what the final edge of that is going to be he cannot 100 percent predict.

Mr. Gray added that he doesn't want anyone to leave the meeting thinking that airplanes are miraculously going to be at 2000 feet over Ironwood. 2000 feet is the number we are shooting for, we could shoot for 3000 feet. Whatever that number is that we all have in mind, it will have to go through the technical analysis that is required to ensure that obviously we get the maximum altitude that the aircraft operators can operate safely. So we may come back and tell you it's 1850 feet, or it's 1700, or whatever that number is is what that number is going to be determined through the technical analysis that we move through the process. He just wants to make sure they understand that and not walk away thinking they have 2000 feet and 4 or 6 months later he comes back and says they have 1700 feet and they are all mad at him. He will do the best they can to get as much altitude as they can while still making sure everyone is operating in a safe environment.

Mr. Lawrie questioned if there is any chance that the City or any of the fees that are derived from the airport will help start the 161 study. He cannot believe you have to write a \$1.5 million check to start the study. He thought that was incurred over a period of time. Is there any chance you are going to help support them to get that one thing, the only thing, that can help them put restrictions in place off the ground.

Mr. Gray responded that the \$1.5 million dollars that Naples Airport spent, was spent over the last eight years. The study itself, the cost of doing this particular document by that consultant, was somewhere around \$300,000 when it was started eight years ago. Most of the fees have been the legal fees to continue to ensure that they felt their position was appropriate and they wanted to make sure they took that to the highest level. They've been to federal court, they've been sued by a number of operators, and so forth. So, it's taken them eight to ten years to get where they are at and they are not done yet. They are still expending dollars – at least \$80,000 to \$120,000 every month on legal fees.

An unidentified speaker stated they are also setting a precedent. Mr. Gray responded that is correct. He added that once they are through this process, we're not the only airport that is going to continue to do it. To get started on the 161 Study, we would have to enter into a contract with the Council's approval to hire a consultant to do this study. His guess is somewhere between \$300,000 to \$500,000 depending upon what they are charging these days.

An unidentified speaker asks if it's for the entire Scottsdale community. Mr. Gray said it would be for a 161 Study and the 161 Study is not specific to a location, it is specific to a particular thing that they want to institute. Naples looked at three options: ban Stage 2 aircraft at night; ban Stage 2 aircraft all the time; or ban all aircraft at night. Unidentified speaker asks if they can't do any of that until they have the 161 in place. Mr. Gray responded yes. What they did was go through the analysis, the economic analysis and cost benefit and all the things they were required to do. The only option that came out that was justified in the study was to ban Stage 2 aircraft completely. They did receive approval from the FAA but they are still

working through some processes. There will be a laundry list of things to be analyzed. Typically, you do it following a 150 Study so you can get all the issues out on the table and then list them all and analyze them all in 161, however that certainly isn't the case, you can start that at the pleasure of the Council.

Mr. John Little said just so the group knows this, Mr. Gray just didn't happen to be in Naples. He was sent off to Naples to look at their experience of 161 so that we can learn more about what the process is and how it works in anticipation of ultimately asking the Council whether or not it is a policy issue they would ever want to proceed with that. So we are boning up on 161 ourselves right now.

An unidentified speaker asks if we would leave it to Councilman Littlefield and the rest of the Council to support moving that forward expeditiously.

Mr. Luongo asked if it just comes down to money, if it helps the whole area, why not pursue, and since Councilman Littlefield seems to be the lightning rod on the Council would he volunteer to put this as an agenda item on City Council to start the 161 Study now rather than waiting till the 150 is done. Councilman Littlefield said if it looks like it's going to be successful, he'd be willing to do that. The difference is he voted against the Quiet Skies lawsuit for \$25,000. And he wouldn't have cared if it was 25 cents, but he thought it was a bad idea and would ultimately be unsuccessful. In light of the fact that their mediation didn't work he feels he will be proved correct. The issue was it the right thing to do or not. In this case he believes it is the right thing to look at so they will look into doing that, and first he will ask Scott what is the right thing to do here. Do we hire a consultant, do we need to, which one do we hire and all that. He would also like to make a point along those lines. One of the complaints he's gotten is when he says we're going to ask our airport staff to work on that, people will say, well those people they just like airplanes and they don't care about noise and they are not to be trusted. As someone who's been in aviation over 20 years, there is no airport staff in the country that works harder within the limits of what the law allows for noise abatement than these guys. They are out there talking to operators, when someone comes in and they're noisy they talk to them. These guys work hard at trying to minimize noise and the reason that's not appreciated is they have these limitations. He has confidence in John, Scott, Kevin and the entire airport staff and they are doing the right thing. They know it is an issue with the Council. They are going to look at it and they are going to come to us and tell us, we need this or we need that and he will put it on the agenda. He believes solving the problems around our airport and he will do whatever it takes to make that happen and he believes he is speaking for his colleagues as well.

Mr. Lawrie said he personally now has a better understanding of the restrictions that they have to deal with. And if this is something that gives you the tools to make positive things happen then he would think it's in his best interest to get this off the ground as well.

Mr. Little said this meeting is not a policy-making forum. The Airport Commission is here tonight. They are advisors to the Council and they are fortunate to have a Council member here tonight, although the entire Council is very interested in this. The staff role, in what I will offer right now, is the best way that I can serve the Council is to lay out options or alternatives or scenarios. We could bring out Part 150 request, do the 150 then start a 161, go right to 161, we could hire a consultant in the next three months and begin doing other noise studies – in other words, there are alternatives and options and what he would like to do and what he has told the Council they will do is we'll put together some alternatives and some approaches that we can bring to the Council. The Council may even want to talk about this issue at their upcoming retreat in terms of how we're going to proceed with aircraft noise. He's not sure that will be their option whether they want to talk to us about that or not, but we will bring a plan together as a staff that includes options and bring that to the Council for their consideration.

Mr. Gray added that Mr. Shirer has spent a significant amount of time updating our website last week. It was completely revised, all of the related noise information has been completely revised. Hopefully, it will provide some more information. If you haven't heard it here tonight, I would invite you to go to the noise site it has some information about noise sensitive areas, what some of the federal requirements are and so forth. So if you didn't hear it tonight, if you want to go to our website and take a look at it and then if you have any questions call Kevin and he would be happy to meet with you or explain any of the issues.

Mr. Shirer advised the website address is listed on front of the pilot guide. Kevin also has it listed on his business card.

Ms. Delyce Wensel, Ironwood resident, stated she is a little disheartened because she got all carried away with the noise abatement issue, and really her main focus is wanting to get the jets to fly back over the McDowell mountains the way they did before February this year. That is really where her hope lies that that would take place. Is that going to take place, ever?

Mr. Gray stated the aircraft arrival procedures have been modified. Generally speaking we get don't get a tremendous amount of arrivals directly over the McDowell Mountains, obviously because it's a mountain range, there's not good radar coverage, so typically the pilots weren't instructed to fly directly over the McDowell mountains. Typically, what they do when they do fly over the McDowell mountains they are not flying under instrument flight rules, they are flying under visual flight rules and they have a lot more flexibility. I think what you're referring to is not necessarily over the McDowell mountains, but closer to the McDowell mountains before making their turn toward the airport. Mr. Gray added a number of them have gone out to her area this afternoon and observed several of the jets that were operating and several issues of why they were flying in your particular area. We will be having a follow up meeting with the Tower manager and suggesting some ideas of why we think they did what they did and asking them if they can explain to us why they allowed them to do that. And, if they have the flexibility to maybe provide a couple of more instructions to the pilots that wouldn't violate whatever their operating rules are. The air traffic controllers work for the federal government, they have a handbook that they have to do certain things certain ways. I can't tell you what all those rules are, but we will rely on them to give us those answers. But Gary, Kevin and John were out near Nick's house this afternoon, and from what I understand most of the panel, to observe.

Mr. Luongo asked if they saw any violators. Mr. Gray said he couldn't say he saw any violators because they didn't violate anything that we have jurisdiction over, nor did he see anybody violating federal regulations. However, he did see where they were flying. Mrs. Wensel said you heard the noise. Mr. Gray said 1000 feet is where they should be if they are following the glide slope. But that's what we observed, but as you heard this evening is we'd like to get them higher with certain procedures. We observed the Lear Jet, we observed the aircraft that Mr. Luongo called in earlier, both of those aircraft were at about the same altitude, difference is one is twice the size of the other and it probably looks lower. In reality where they saw it was at the same altitude.

Ms. Wensel asked if the NW 2000 was voted on by the City Council. Mr. Gray said he would not talk about the vote and that is relative to a different topic.

Mr. Gray said there are two separate issues going on. There is air traffic issues relative to our airport that have nothing to do with NW 2000, and there are some issues that NW 2000 resulted in several changes that we are looking at doing some modifications, but the primarily the issue with Ironwood Village is the altitude at which those airplanes come over and the effect of the noise depending on what airplane it is. That will happen, irrelevant of what happens with NW 2000 and we are looking at doing whatever we can to address that, no matter what the Council decides and directs us to do as far as NW 2000.

Mr. Luongo said Ms. Wensel brought up a good point because they really didn't talk about that too much tonight, but from John Little's presentation the other night, you were able to reroute in the southern part of the City to pre NW 2000 routes. He has observed some planes doing left turns over open space and is there anything more that can be done to get more planes to avoid them, even though they are under NW 2000 guidelines right now.

Mr. Gray corrected Mr. Luongo by stating the planes were not moved to pre-NW 2000 routes. The routes were what we have today. The issue was is the amount of traffic or the percentage split between what was arriving over Camelback Mountain flying east of the airport over McCormick Ranch and Horizon neighborhood, McDowell Mountain Ranch and then over Ironwood and then arriving at the airport. What happened from NW 2000 is that split or the number of airplanes that were coming in from the south increased. It wasn't something that anybody expected. It was something that happened in Kansas City,

believe it or not, that resulted in that impact to us, and that was corrected. So the percentage of airplanes that are coming from the south now should generally represent what we had from the percentage prior to NW 2000. So the route wasn't changed. Now some of the things we are looking at that haven't been implemented as far as NW 2000 yet are the RNAV which is technical term for more precision flight paths for primarily the commercial operators. But once those get all turned on and everyone feels comfortable with that, we will institute something very similar to that which would give us some more ability to do that. Radar will also help us with some of that information as well.

Mr. Popow had one more comment – he's been in Ironwood Village six years and his recollection over the period of the first couple of years was planes used to come down and go along the McDowell Mountains and then go in for a landing. But if you stop and think about it, something very interesting happened in the last four or five years. Something called DC Ranch. Very expensive, very rich, very, very powerful people, lots of money live in DC Ranch. DMB Realty houses planes at Scottsdale Airpark. You got a school, you got a whole village being planned right along, you know the town square, the DC Ranch, you got new homes going in. It's kind of a coincidence, I guess is really what it was, that all of a sudden with the explosion in DC Ranch with all these very, very expensive homes going in, all of a sudden the planes kind of shifted west. He would like them to look at the correlation between the two. Because Councilman Littlefield wasn't there when all this took place, but development has caused this problem. Unless you get rid of the development, the problem is going to stay. So, think about this DC Ranch thing because that's what started this issue four or five years ago, when DC Ranch started becoming populated and it's going to get worse. So how much further west are you going to go?

Mr. Popow responds if he owns a piece of land up there and have been paying on it for the last 10 or 20 years with my partners in crime, and we have 100 acres up there, and we all decide it's time to develop that, and we go before the City. The City cannot stop us from developing that. Mr. Popow stated to look at the correlation between the shift and the arrival patterns of the loud noisy jets that has occurred since DC Ranch has become developed. He doesn't think it was done above board. (Mixed discussion, many speaking at once – all unidentified)

Councilman Littlefield said you would never catch him voting for a development that he thought would generate noise complaints or threaten the future of the airport. He would prefer that we avoid this problem in the first place by not building homes where planes are going to fly. And certainly as he has the power to do anything about that in the future he would not vote for any of that. He believes they are not well organized enough to pull off a conspiracy.

At this point, Chairman Mack thanked everyone for joining in tonight and said that staff will stay around and you can communicate with the airport staff anytime you like. The Airport Commission that really controls the meeting and I will ask for a motion to adjourn.

ADJOURNMENT

Commissioner Maxwell made a motion to adjourn the meeting. The motion was seconded by Commissioner Tinnan and the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Diana M. Maggiola
Administrative Secretary